

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**SERGIO GUADALUPE  
ADAME-OCHOA**

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**5:16-CR-0254-XR**

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**MOTION TO WITHDRAW AS COUNSEL**

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**TO THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGE  
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:**

NOW COMES DONALD H. FLANARY, III., Movant, and brings this Motion to Withdraw as Counsel and in support thereof shows:

1. Undersigned counsel was contacted by an attorney from Brownsville, Texas and Defendant Adame-Ochoa's wife, neither discussed or indicated that they were aware of any fact, relating to the case, however undersigned agreed to appear at Defendant Adame-Ochoa's initial appearance, before the Honorable John W. Primomo on Thursday at 3:00 p.m. Undersigned also spoke with local AUSA Joseph E. Blackwell by telephone to advise him that he would be making said appearance, however, Government Counsel did not share or discuss any facts or missives regarding the pending charges.

2. Undersigned counsel met Defendant Adame-Ochoa for the first time at his initial appearance in the courtroom and advised him that he had been contacted by the Defendant's family and had no discussion regarding the facts of the case and exchanged no confidences.

3. The following afternoon, undersigned counsel, together with attorney Gerald H. Goldstein, a partner in his firm Goldstein, Goldstein, and Hilley and attorney Phillip Cowan, the Brownsville family attorney, met the Defendant Adame-Ochoa in custody, however, upon meeting Defendant Adame-Ochoa, undersigned counsel, Gerald H. Goldstein and Phillip Cowan were immediately advised by Defendant Adame-Ochoa that he had hired other counsel, namely, David E. Dilley and would not be in need of undersigned services. Again, no facts of this case, nor were any confidences or confidential attorney-client information exchanged.

4. Undersigned counsel has further been advised that Attorney David E. Dilley has entered his appearance as counsel of record on Defendant Adame-Ochoa's behalf.

5. This withdrawal is not sought for delay, but that Defendant might be represented by counsel of his choice, or pursue court-appointed counsel.

#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Movant prays that the Court will grant this motion to withdraw on the face of this pleading and relieve them of their duties.

Respectfully submitted,

GOLDSTEIN GOLDSTEIN & HILLEY  
310 S. St. Mary's  
Suite 2900  
San Antonio, Texas 78205  
Tel: (210) 226- 1463  
Fax: (210) 226- 8367

By: */s/. Donald H. Flanary, III.*

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Donald H. Flanary, III.  
State Bar No. 24045877  
Attorney for Sergio Guadalupe Adame-Ochoa

Approved By: /s/ Gerald H. Goldstein  
Gerald H. Goldstein

**CERTIFICATE OF CONSULTATION**

This is to certify that the undersigned counsel's office has conferred with the Assistant United States Attorney Christopher Michael Blanton and Mark Frazier regarding this motion and:

  X   They do not oppose it.

       He does oppose it.

       Our attempts to resolve it were unsuccessful.

       Counsel were able to agree regarding the motion as follows: \_\_\_\_\_

\_\_\_\_\_  
       Counsel's attempt to contact the government was unsuccessful.

/s/ Donald H. Flanary, III.  
Donald H. Flanary III

**CAVEAT**

Undersigned counsel has attempted to reach Mr. David E. Dilley, referred to in this matter by telephone and e-mail. A copy of this matter is being sent to Mr. Dilley.

**CERTIFICATE OF SERVICE**

This is to certify that on July 21, 2016, a true and correct copy of the above and foregoing document was sent to the Assistant United States Attorney's, Mark Frazier, Joseph E. Blackwell, James Henry Sturgis, Diana Cruz-Zapata, and Christopher Michael Blanton *via* the CM/ECF system.

/s/ Donald H. Flanary, III.  
Donald H. Flanary, III.

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**ORDER ON MOTION TO WITHDRAW AS COUNSEL**

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On \_\_\_\_\_, came on to be considered Donald H. Flanary, III.  
Motion to Withdraw as Counsel.

The Court finds that there is good cause for withdrawal of Movant as counsel.

IT IS THEREFORE ORDERED, that Movant is permitted to withdraw as counsel of record  
for Sergio Guadalupe Adame-Ochoa in this cause.

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**XAVIER RODRIGUEZ  
UNITED STATES MAGISTRATE JUDGE**